United Nations S/AC.49/2009/29

Security Council

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12 August 2009
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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 11 August 2009 from the Permanent Representative of Mexico to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit herewith the report of the Government of Mexico on the implementation of Security Council resolution 1874 (2009) (see annex).

(*Signed*) Claude **Heller**
Ambassador
Permanent Representative to the United Nations

09-48727 (E) 240809 240809

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Annex to the letter dated 11 August 2009 from the Permanent Representative of Mexico to the United Nations addressed to the Chairman of the Committee

Report of the Government of Mexico to the sanctions committee on the Democratic People's Republic of Korea concerning implementation of paragraph 24 of Security Council resolution 1874 (2009)

Mexico takes the view that the existence of weapons of mass destruction and their vertical and horizontal proliferation constitutes one of the most serious threats to international peace and security.

The Mexican Government supports international measures or initiatives designed to prohibit the production or use of weapons of mass destruction and in particular urges all States to comply with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons. The Mexican Government considers that the actions of the Democratic People's Republic of Korea (DPRK) are evidence of the urgent need for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and therefore invites countries which have not yet signed or ratified the Treaty to do so as soon as possible.

The Mexican Government deplores acts contrary to the purposes of nuclear disarmament and non-proliferation of nuclear weapons and therefore strongly condemns the nuclear test which the DPRK confirmed that it had carried out on 25 May and the launches of missiles, as those actions are contrary to international law and the purposes of disarmament and non-proliferation of nuclear weapons. They also exacerbate tension in the Korean Peninsula and may jeopardize regional stability.

Convinced of the importance of providing the Committee with all the tools needed to monitor and verify compliance with the provisions of resolution 1874 (2009), the Mexican Government submits the following report.

In paragraph 22 of resolution 1874 (2009), the Security Council decided that all States should report to the Committee on the national measures they had taken to implement the provisions of the resolution.

In that regard, it is reported that in accordance with article 133 of the Political Constitution of the United Mexican States, the Charter of the United Nations is part of the supreme law of the Union. As Article 25 of the Charter establishes that the Members of the Organization have agreed to accept and carry out the decisions of the Security Council, resolution 1874 (2009) is binding for the Mexican Government.

Details are given below of the measures adopted in relation to the various obligations set out in resolution 1874 (2009) and the applicable legal framework.

Trade restrictions

In paragraph 9 of resolution 1874 (2009), the Security Council:

"Decides that the measures in paragraph 8 (b) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions,

technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or materiel".

In paragraph 10, the Security Council:

"Decides that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, except for small arms and light weapons and their related materiel, and calls upon States to exercise vigilance over the direct or indirect supply, sale or transfer to the DPRK of small arms or light weapons, and further decides that States shall notify the Committee at least five days prior to selling, supplying or transferring small arms or light weapons to the DPRK".

In that regard, the Government of Mexico is enforcing the trade embargo against the DPRK and prohibits the acquisition or delivery of items subject to the provisions of Security Council resolutions 1695 (2006), 1718 (2006) and 1874 (2009) by means of an administrative agreement. This agreement is consistent with the Constitution and allows the President of the Republic, or the Ministry of Foreign Affairs or the Ministry of Economic Affairs acting on his behalf, to ban exports or imports of goods.

The Agreement was published in the Official Gazette and, in its article 9, prohibits the export or import from the DPRK of various items that are subject to sanctions imposed by the Security Council.

Under Mexican law, the provisions set out in the agreement referred to are a matter of public policy and apply throughout the national territory, that is, compliance is obligatory for all physical persons or entities that plan to export or import any of the items referred to in that document.

Inspection of goods and interception of ships and aircraft

In order to comply with cargo inspection requirements at ports and airports, and on ships and aircraft, both in Mexican territory or on the high seas, in connection with the sanctions imposed on the DPRK by resolution 1874 (2009), the Ministries of the Navy and of Finance and Public Credit apply the following legal framework:

- Federal Civil Service Organization Act
- Federal Oceans Act
- Ministry of the Navy Organization Act
- United Nations Convention on the Law of the Sea, Jamaica, 1982
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- International Ship and Port Facility Security Code (ISPS), with reference to chapter XI-2 of the:
- International Convention for the Safety of Life at Sea, 1994

As for the administrative framework, a 2008 coordination and cooperation agreement between the Ministry of the Navy and the General Customs Administration provides for the implementation of monitoring, surveillance, protection and security measures in special tax areas and ports in Mexico.

As for cargo inspection, the General Customs Administration has non-intrusive equipment at various customs houses in Mexico. At the port of Veracruz, all shipments are reviewed.

Annex to the note verbale dated 12 August 2009 from the Permanent Mission of Sweden to the United Nations addressed to the Chairman of the Committee

Report on Sweden's implementation of United Nations Security Council resolution 1874 (2009)

Sweden and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures:[1]

- Council Common Position 2006/795/CFSP of 20 November 2006,[2] as amended by Council Common Position 2009/573/CFSP of 27 July 2009.[3]

  The Common Position sets out the EU's commitment to implementation of all the measures contained in Security Council resolutions 1718 (2006) and 1874 (2009), and provides the basis for EU-specific implementing measures within the scope of the resolutions, notably:

  – complete arms embargo;

  – export ban on certain other items, in addition to those determined by the sanctions Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

  – autonomous listing, to be decided by the Council of the EU, of persons and entities subject to visa ban and asset freeze, either by reason of their promotion or support of DPRK's programmes as mentioned above or because they provide financial services or other resources that could contribute to those programmes;

  – enhanced monitoring over the activities of financial institutions within the jurisdiction of EU member States with certain banks and financial entities linked to the DPRK;

  – additional information requirements for aircraft and vessels transporting cargo to and from the DPRK.

  The EU will adopt a Council Decision implementing Common Position 2006/795/CFSP and establishing, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the sanctions Committee on 24 April and 16 July 2009.

- Council Regulation (EC) No. 329/2007 of 27 March 2007,[4] as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008[5] and Commission Regulation (EC) No. 389/2009 of 12 May 2009.[6]

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[1] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[2] Official Journal of the European Union L 322, 22.11.2006, p. 32.

[3] Official Journal of the European Union L 197, 29.07.2009, p. 111.

[4] Official Journal of the European Union L 88, 29.3.2007, p. 1.

[5] Official Journal of the European Union L 35, 9.2.2008, p. 57.

[6] Official Journal of the European Union L 118, 13.5.2009, p. 78.

The Council Regulation implements in the European Community the ban on the exports of goods and technology which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes and on the provision of related services, the ban on procurement of goods and technology from the DPRK, and the ban on export of luxury goods to the DPRK, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said DPRK programmes as designated by the sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in United Nations Security Council resolution 1718 (2006).

Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in Annex I of the Council Regulation in accordance with determinations made by the sanctions Committee.

Commission Regulation No. 389/2009 amends the Council Regulation by including the entities designated by the sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in Annex IV to the Council Regulation.

The Commission will adopt a Commission Regulation amending the Council Regulation by including goods in Annex I and persons and entities in Annex IV to the Council Regulation in accordance with determinations made by the sanctions Committee on 16 July 2009.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments).[7]

  This Regulation requires nationals of the DPRK to be in possession of a visa when entering the European Union.

Sweden has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel to third countries and an authorization for the provision of brokering services and other services related to military activities, which together with Common Position 2006/795/CFSP, provides the basis for enforcement of the arms embargo against the DPRK and the ban on related brokering services: the Military Equipment Act (1992:1300), the Military Equipment Ordinance (1992:1303), the Law on control over products with dual use and over technical assistance (2000:1064) and the Ordinance on control of products with dual use and of technical assistance (2000:1217).

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union.[8] Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Sweden are provided for in relevant national legislation.

[7] Official Journal of the European Union L 81, 21.3.2001, p. 1.

[8] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.

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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 9 August 2009 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the latter's note dated 29 June 2009, has the honour to submit the report on the steps that the Socialist Republic of Viet Nam has taken with a view to implementing resolution 1874 (2009) (see annex).

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Annex to the note verbale dated 9 August 2009 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

Report of the Socialist Republic of Viet Nam on the implementation of resolution 1874 (2009) of the Security Council

Pursuant to para. 22 of Security Council resolution 1874 (2009), Viet Nam hereby submits its country report to the Security Council on measures taken by Viet Nam to implement this resolution and relevant legal frameworks of Viet Nam as follows:

1. The consistent policy of Viet Nam is for the comprehensive ban of nuclear tests and against the proliferation of nuclear weapons and other weapons of mass destruction towards the complete elimination of these weapons. With such position and as a responsible member of the United Nations, Viet Nam has fully implemented its obligations in accordance with Security Council resolutions, including the submission of its country report on the implementation of Security Council resolution 1718 (2006). Viet Nam continues to implement, in a serious manner, this resolution as well as the recently adopted resolution 1874 (2009).

2. Shortly after the Security Council adopted resolution 1874 (2009), the Prime Minister of Viet Nam instructed relevant Ministries and agencies to implement the resolution. The Ministries and agencies have appointed their respective focal points, apprised their bodies of the provisions of resolution 1874 (2009) and the list of designated entities by the Committee pursuant to resolution 1718 (2006).

3. The Prime Minister's Decree on the implementation of resolution 1874 (2009) and relevant legal documents, including the legal framework for the implementation of resolution 1718 (2006) as provided in details in Viet Nam's report on the implementation of resolution 1718 (2006), constitute the basic legal framework for the implementation of resolution 1874 (2009). They are as follows:

a) With respect to export and transfer of the items referred to in paragraphs 8 (a), (b), (c) of resolution 1718 (2006) and paragraphs 9, 10 of resolution 1874 (2009):

In Viet Nam, all weapons are under the strict and sole control of the State; individuals are prohibited from possessing and using weapons. According to Vietnamese laws, weapons and related materials are among special goods prohibited from production, stockpiling, transporting and trading. The 1999 Penal Code sets out clear provisions on penalties for illegal production, stockpiling, transport and trade of weapons, military equipment, explosives and radioactive substances, inflammable materials and toxins.

Apart from the laws and regulations applied generally on all weapons, Viet Nam also promulgated additional regulations for the control of weapons of mass destruction and related materials. In June 2006, the National Assembly of Viet Nam approved the Law on Nuclear Energy providing for concrete measures to ensure safety and promote the use of nuclear energy for peaceful purposes. The Law prohibits the use of nuclear energy for other purposes that may encroach upon

State sovereignty, infringe upon the legitimate rights and interests of organizations and individuals or affect human health and the environment. It also prohibits research and development, transfer and use of nuclear and radioactive weapons. The Law also provides for concrete regulations on control of export and import of radioactive substances and nuclear facilities, irradiated goods or goods containing radioactive substances; control of import of goods suspected of containing radioactive substances or being radiated, etc. Before that, the Government of Viet Nam promulgated a number of legal documents on nuclear safety, including the Ordinance on Radiation Safety and Control (1996), National Nuclear and Radiation Safety Action Plan (2000), Decree No. 51/2006/ND-CP (2006) and the Circular guiding the implementation of the Decree on administrative penalties for violations in radiation safety and control, Decision 115/2007/QD-TTg (2007) of the Prime Minister to promulgate Regulation on ensuring the security of radioactive sources, which regulates the responsibilities on ensuring the security of sealed radioactive sources with radioactivity greater than the exemption level specified in related national technical standards; Decision 14/2007/QD-TTg (2007) of the Prime Minister to promulgate Regulation on discovery and addressing radioactive sources beyond authorized control.

In regard to chemicals, on 3 August 2005, the Government issued Decree No. 100/2005/ND-CP on the implementation of the Convention on Chemical Weapons, providing strict regulations on the transfer of chemicals. On 20 November 2007, the National Assembly of Viet Nam adopted the Law on Chemicals, which designates the Ministry of Industry and Commerce as the government agency having regulatory responsibility for activities relating to chemicals. On 7 October 2008, the Government issued Decree No. 108/2008/ND-CP providing concrete regulations and guiding the implementation of the Law.

On 26 August 2005, the Prime Minister issued Decision No. 212/2005/QD-TTg promulgating the Regulation on Bio-safety Control over Genetically Modified Organisms (GMO) and GMO-based products. The Regulation provides for State management over bio-safety in the following activities: scientific research, technological invention, testing; production, trading and use; import, export, storage and transportation; risk assessment and management, bio-safety licensing for GMO and GMO-based products in order to protect human health, the environment and bio-diversity.

Viet Nam's legal documents regulating domestic and foreign trade also provide strict regulations of activities related to all kinds of weapons and substances that may be used for production and transfer of weapons of mass destruction. Legal documents including the 2005 Trade Law, the 2006 Civil Aviation Law, Decree No. 32/2005/ND-CP of the Government set out provisions on punitive measures for smuggling, transportation and use of weapons, radioactive substances and explosives via land border gates, airports and seaports. In regard to the temporary import for re-export, regulations for business in the form of temporary import for re-export and transit shipments stipulate that the temporary import for re-export and transit shipments of prohibited goods must have the permission of the Ministry of Industry and Trade. In 2007, the Prime Minister issued Decree 25/2007/CT-TTg on preventing and fighting terrorism in the new context, which tightened measures to control the above-mentioned weapons.

In implementing these regulations, Viet Nam Customs has been and will be cooperating with other countries' customs and relevant international organizations on the transportation of prohibited and smuggled goods across borders; enhancing goods supervision across national borders to detect and prevent the illegal transportation of smuggled and prohibited goods, weapons, explosives and other hazardous substances.

b) On the freezing of funds, financial assets and economic resources as referred to in paragraph 8 (d) of resolution 1718 (2006) and paragraphs 18, 19, 20 of resolution 1874 (2009):

The legal basis for Viet Nam to implement measures related to this issue is shown in the following documents: the 1997 Law on State Bank (amended in 2003), the 1997 Law on Credit Institutions (amended in 2004), the 2005 Ordinance on Foreign Exchange, and the Government Decrees on Administrative Penalties in monetary and banking operations, on payments through payment service organizations, on the Organization and Operation of the People's Credit Funds.

In particular, Government Decree No. 74/2005/ND-CP of 7 June 2005 provides for mechanism and measures to address money-laundering in Viet Nam in cash or asset transactions. According to the Decree, the focal point of the inter-agency mechanism for anti-money-laundering is the State Bank, specifically the Anti-Money Laundering Information Centre, which is to receive information on suspicious transactions or transactions of suspicious origins, prepare periodic report to the Government, and coordinate relevant agencies for the implementation of the Decree. The Ministry of Public Security is the line agency in handling crime related to money-laundering, including investigation of money-laundering cases, and cooperating with the State Bank in implementing necessary preventive and punitive measures in preventing and combating money-laundering.

On 19 June 2009, the National Assembly of Viet Nam adopted the Law on the amendment of the 1999 Penal Code, which criminalizes the act of financing terrorism and sets out punitive measures for such acts.

c) In regard to entry and transit as referred to in paragraph 8 (e) of resolution 1718 (2006) and paragraph 18 of resolution 1874 (2009):

In the Ordinance No. 24/1999/PL-UBTVQH10 dated 28 April 2000 on Entry, Exit and Residence of Foreigners in Viet Nam, Article 4 makes it clear that 'foreigners entering or exiting Viet Nam must hold passports or alternative travel documents (hereinafter referred to as passport) with a valid visa issued by an authorized Vietnamese agency, except for cases where a visa is not required.' Article 19 of the Ordinance also stipulates that 'the Ministry of Public Security is the government agency having the primary responsibility to manage activities relating to the entry, exit and residence of foreigners in Viet Nam.' In performing this mandate, the Ministry of Public Security issued Regulation on entry and transit of foreigners in Viet Nam for tourism purposes, which set out strict procedures for relevant individuals and organizations to report to competent authorities of Viet Nam on their entry and exit.

Apart from the Ordinance, the Government has also issued Decree No. 21/2001/ND-CP of 28 May 2001 guiding the implementation of the Ordinance and Government Decree No. 32/2005/ND-

CP of 11 March 2005 stipulating the Regulations on Land Border Gates and the exit and entry, transit, import and export through the border gates of people, vehicles and goods, in order to manage and protect national sovereignty and ensure border security. Article 15 of this Decree No. 32/2005/ND-CP strictly prohibits the use of fraudulent passports and travel documents; organization, guide and transportation of people for illegal migration purposes at border gates.

d) In regard to the illegal transfer of nuclear, chemical and biological weapons, their means of delivery, and related materials as referred to in paragraph 8 (f) of resolution 1718 (2006):

As mentioned above, Vietnamese laws provide strict regulations to prohibit illegal transfer of these weapons and materials; respective focal points and punitive measures against violations are also clearly determined. Among the typical legal documents, there are the 2005 Maritime Law which prohibits the 'illegal transportation of people, goods, luggage, weapons, radioactive substances, hazardous wastes and narcotics,' and the Government's Decree 62 on administrative penalties in maritime shipping activities. On vessel control, the Government's Decree No. 71/2006/ND-CP dated 25 July 2006 stipulates the procedures required for vessels entering or exiting Viet Nam, covering the two cases that require direct on-board monitoring and supervision by relevant state authorities, which are: (i) vessels with obvious signs of breach of the law and (ii) situations whereby such operations are necessary to safeguard security, national defence, law and order, or to prevent pandemics. The above documents are the legal foundation for the implementation of resolution 1874 (2009).

4. Viet Nam once again reiterates its commitment to the full implementation of resolution 1874 (2009) of the Security Council and its willingness to cooperate with parties concerned in this effort. Viet Nam wishes that related international efforts, through peaceful and constructive dialogue, will contribute to the denuclearization of the Korean peninsula, in the interests of regional and global peace, stability and long-term development.

United Nations S/AC.49/2009/32

Security Council

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18 August 2009
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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 17 August 2009 from the Permanent Mission of Monaco to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Principality of Monaco to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, with reference to the provisions of paragraph 22 of Security Council resolution 1874 (2009), has the honour to communicate the following:

In order to observe and implement the international sanctions imposed by resolution 1874 (2009), the Principality of Monaco has informed the competent authorities of the provisions of resolutions 1718 (2006) and 1874 (2009).

In relation to the implementation of paragraph 8 (d) of resolution 1718 (2006) regarding processes for freezing funds, other financial assets and economic resources, Ministerial Order No. 2009-334 of 25 June 2009 implementing Sovereign Ordinance No. 1,675 of 10 June 2008 has been adopted. The annex to the Ministerial Order contains a list of the persons, entities and agencies that have been made subject to processes for freezing funds in implementation of economic sanctions, in conformity with the designations adopted by the Committee in its report of 24 April 2009.

Concerning the embargo on goods and the restrictions on the movement of individuals, the Principality, as a State belonging to the Schengen area, applies the same rules as the European Union.

The Government of Monaco will also adopt a ministerial order requiring Monegasque financial institutions to report to the Financial Network Information Service (SICCFIN) any financial transactions with the Democratic People's Republic of Korea; this will enable the Principality to comply with paragraph 18 of resolution 1874 (2009).

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Security Council

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18 August 2009
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 10 August 2009 from the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Cuba to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to report that the relations between the Republic of Cuba and the Democratic People's Republic of Korea are in compliance with the provisions of Security Council resolution 1874 (2009) adopted on 12 June 2009.

Pursuant to article 98 of the Constitution of the Republic of Cuba, the Cuban Government has informed all central State institutions of the economic, financial and other measures contained in Security Council resolution 1874 (2009) and has instructed them to comply strictly with its provisions. It has also circulated to the aforementioned national institutions the list of entities, goods and individuals subject to the sanctions established by Security Council resolution 1874 (2009), as determined by the Committee on 16 July 2009.

By taking these actions and monitoring compliance therewith, in accordance with the national legislation in force, the Government of the Republic of Cuba will ensure compliance with Security Council resolution 1874 (2009).

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United Nations S/AC.49/2009/34

Security Council

Distr.: General
20 August 2009

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 19 August 2009 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Hungary to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea, and has the honour to provide in the annex to the present note verbale information pursuant to paragraph 22 of Security Council resolution 1874 (2009) on the steps taken by the Government of the Republic of Hungary with a view to implementing effectively the provisions of paragraph 8 of Security Council resolution 1718 (2006), as well as paragraphs 9 and 10 of Security Council resolution 1874 (2009), and financial measures set out in paragraphs 18, 19 and 20 of the latter resolution.

The implementation by the Republic of Hungary of the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 1718 (2006) and 1874 (2009) is based both on measures adopted by the European Union and national measures.

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Annex to the note verbale dated 19 August 2009 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee

1. Measures adopted by the European Union

The Republic of Hungary, as a Member State of the European Union (EU), implements the provisions of United Nations Security Council resolutions that fall within the scope of competence of the EU by means of common instruments. Within the framework of the EU's Common Foreign and Security Policy (CFSP), the Security Council resolutions are transposed via Common Positions, which require further national implementing measures, and Council Regulations, which are binding in their entirety and directly applicable in all member States of the European Union.

The Republic of Hungary and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following measures:

- Council Common Position 2006/795/CFSP of 20 November 2006 concerning restrictive measures against the DPRK, as amended by Council Common Position 2009/573/CFSP of 27 July 2009.

Council Common Position 2006/795/CFSP as amended, confirms the EU's commitment to the implementation of all of the measures contained in Security Council resolutions 1718 (2006) and 1874 (2009), and provides the basis for specific EU implementing measures within the scope of the resolutions, notably:

- Complete arms embargo in relation to the DPRK;
- Export ban on certain other items, in addition to those determined by the sanctions Committee established pursuant to Security Council resolution 1718 (2006), which could contribute to the DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;
- Travel ban, assets freeze and other financial measures applied in respect of the persons and entities designated by the sanctions Committee established pursuant to Security Council resolution 1718 (2006) or the Council of the European Union, either by reason of their promotion or support of the DPRK's programmes as mentioned above or because they provide financial services or transfer financial or other assets or resources that could contribute to those programmes;
- Enhanced monitoring over the activities of financial institutions within the jurisdiction of EU member States with certain financial entities linked to the DPRK;
- Additional information requirements for aircraft and vessels transporting cargo to and from the DPRK.

The EU will shortly adopt a Council Decision implementing Common Position 2006/795/CFSP, as amended, and establishing, for the purpose of the travel ban and assets freeze, the list of persons and entities in accordance with the reports of the

sanctions Committee established pursuant to Security Council resolution 1718 (2006) dated 24 April 2009 and 16 July 2009.

- Council Regulation (EC) No. 329/2007 concerning restrictive measures against the DPRK of 27 March 2007, as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008, Commission Regulation (EC) No. 389/2009 of 12 May 2009 and Commission Regulation (EC) No. 689/2009 of 29 July 2009.

Council Regulation (EC) No. 329/2007 implements, with certain exemptions as provided for in Security Council resolution 1718 (2006), the following restrictive measures:

- Ban on selling, supply, transfer or export of goods and technology which could contribute to the DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, as determined by the sanctions Committee established pursuant to Security Council resolution 1718 (2006), and those included in the EU Common List of Military Equipment (annex I of the said Council Regulation);

- Ban on purchase, import or transport of goods and technology as specified above from the DPRK (annex I of the said Council Regulation);

- Ban on provision of financing, financial or technical assistance related to goods and technology as specified above, or to any natural or legal person, entity or body in, or for use in, the DPRK (annex I of the said Council Regulation);

- Ban on export of luxury goods to the DPRK (annex III of the said Council Regulation);

- Freezing of funds and economic resources of persons, entities and bodies engaged in, or providing support for the said DPRK programmes, as designated by the sanctions Committee established pursuant to Security Council resolution 1718 (2006), and the prohibition of making funds or economic resources available to such natural or legal persons, entities or bodies (annex IV of the said Council Regulation).

Commission Regulation (EC) No. 117/2008 amends Council Regulation (EC) No. 329/2007 by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in annex I of the said Council Regulation, in accordance with the determinations made on 1 November 2006 by the sanctions Committee established pursuant to Security Council resolution 1718 (2006).

Commission Regulation (EC) No. 389/2009 amends Council Regulation (EC) No. 329/2007 by including the entities designated by the sanctions Committee on 24 April 2009 on the list of persons, entities and bodies subject to the assets freeze as set out in annex IV of the said Council Regulation.

Commission Regulation (EC) No. 689/2009 of 29 July 2009 amends Council Regulation (EC) No. 329/2007 by including goods in its annex I, and persons and entities subject to the assets freeze in its annex IV, in accordance with the determinations made by the sanctions Committee on 16 July 2009.

The adoption of a Council Regulation implementing certain restrictions provided for in Council Common Position 2009/573/CFSP of 27 July 2009 may prove necessary.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement and its subsequent amendments.

Council Regulation (EC) No. 539/2001 requires nationals of the DPRK to be in possession of a visa when entering the European Union.

2. National legislation and measures taken by the Republic of Hungary

The Republic of Hungary implements its obligations under Security Council resolutions 1718 (2006) and 1874 (2009) concerning the restrictive measures against the DPRK through its existing national legislation, legal instruments and measures taken by the Government of the Republic of Hungary.

(a) Arms embargo and ban on related brokering services

Regarding the export and import ban on all arms and related materiel, as well as technical transactions, technical training, advice, services or assistance, as determined by paragraphs 9 and 10 of Security Council resolution 1874 (2009) and paragraph 8 (a), subparagraphs (i) and (ii), 8 (b) and 8 (c) of Security Council resolution 1718 (2006), the Republic of Hungary has legislation in place requiring that an export licence must be obtained for any supply, sale, transfer, transit or export of arms and any related materiel to third countries, as well as for the provision of brokering services and other services related to military activities.

The national legislation, together with Council Common Position 2006/795/CFSP as amended by Council Common Position 2009/573/CFSP of 27 July 2009 and Council Regulation (EC) No. 329/2007 as amended, provide the basis for enforcement of the arms embargo against the DPRK and the ban on related brokering services.

Government Decree 16/2004 (II.6) on the licensing of export, import, transfer and transit of military equipment and related technical assistance is the relevant national legislation in this regard. Paragraph 5 on Restrictions and Embargos of this Government Decree provides that the export and transit of military equipment and technical assistance is not permissible to countries which are subject to arms restrictions (such as restrictions on the supply of arms or any related materiel, the provision of any assistance, advice or training related to military activities) imposed by the United Nations Security Council, the Council of the European Union or the Organization for Security and Cooperation in Europe.

The competent Hungarian authorities, i. e. the Ministry of Defence, the Ministry for National Development and Economy and the Hungarian Trade Licensing Office, have been informed of the provisions of Security Council resolutions 1718 (2006) and 1874 (2009) and have taken the necessary measures to implement them. The Field Engineering and Export Supervising Authority of the Hungarian Trade Licensing Office keeps the public continuously informed via its Internet home page as well as through personal consulting with those concerned.

According to the Ministry of National Development and Economy and the Department of Conventional Arms Trade Control and Export Control of the Hungarian Trade Licensing Office, there has been no trade of conventional arms or dual use goods effectuated with DPRK in the past years.

(b) Embargo on luxury goods

The implementation of the ban on export of luxury goods, as set forth in paragraph 8 (a) (iii) of Security Council resolution 1718 (2006), falls within the exclusive competence of the European Community.

As indicated above, Council Regulation (EC) No. 329/2007, as amended, transposes the present provision (art. 4) and annex III of the same regulation contains the list of luxury goods subject to the ban.

(c) Inspection of cargo

Regarding the implementation of the inspection of cargo provided for in paragraph 8 (f) of Security Council resolution 1718 (2006), as well as in paragraphs 11, 12 and 13 of Security Council resolution 1874 (2009), the Hungarian Customs and Finance Guard is the competent authority. For details of implementation, please refer to point (c) of the annex of the note verbale dated 14 November 2006 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee established pursuant to Security Council resolution 1718 (2006).

(d) Financial measures

The implementation of the financial measures imposed by paragraphs 18, 19 and 20 of Security Council resolution 1874 (2009), in addition to the financial assets freeze as set forth in paragraph 8 (d) of Security Council resolution 1718 (2006), fall within the exclusive competence of the European Community.

As indicated above, Council Common Position 2006/798/CFSP as amended by Council Common Position 2009/573/CFSP on 27 July 2009, and Council Regulation (EC) No. 329/2007 as amended, transpose the financial measures set forth in Security Council resolutions 1718 (2006) and 1874 (2009).

The EU regulations are transposed into the Hungarian legal system through Act 180 of 2007 on the execution of the financial and economic restrictive measures adopted by the European Union. According to the provisions of this Act and other special legislation, the Hungarian Customs and Finance Guard is the competent authority responsible for implementing, under the supervision of the Ministry of Finance, the directly applicable legal instruments of the European Community.

Moreover, the Hungarian Financial Supervisory Authority, also operating under the supervision of the Ministry of Finance, keeps the service providers informed of the restrictive measures in force on its Internet home page, and controls the fulfilment of these measures accordingly. Immediately after their adoption, information is made available to the public concerned, including the detailed content of the sanctions imposed by Security Council resolutions.

(e) Travel ban

With respect to travel restrictions imposed by paragraph 8 (e) of Security Council resolution 1718 (2006), a ban of entry into and transit through the territory of the Republic of Hungary is applicable, in accordance with the international obligations of Hungary, as set forth in paragraph 38 of Act 1 of 2007 on the entry and residence of persons having the right of free movement and residence and paragraph 43 of Act 2 of 2007 on entry and residence of citizens of third States.

The said national legal acts, together with Council Common Position 2006/795/CFSP as amended by Council Common Position 2009/573/CFSP of 27 July 2009 and Council Regulation (EC) No. 539/2001, provide the legal basis for refusal of admission and denial of requests for a visa.

The Hungarian Office of Immigration and Nationality, together with the National Security Office, are the national authorities responsible for the implementation of the said travel restrictions. Based on the notification of the Ministry of Foreign Affairs of the Republic of Hungary, these authorities have taken all necessary measures to implement the restrictions set forth in the Security Council resolutions in question.

Annex to the note verbale dated 24 August 2009 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

Report submitted by Romania on the implementation of Security Council resolution 1874 (2009)

27 July 2009

In paragraph 22 of resolution 1874 (2009) the Security Council calls upon all States Members of the United Nations to report to the Security Council within 45 days of the adoption of the resolution on the steps they have taken with a view to implementing effectively its provisions.

According to the provisions of the Romanian legislation (Emergency Ordinance No. 202/2008, as approved by Law No. 217/2009), Security Council resolution 1874 (2009) was published in the Romanian *Official Journal* No. 554 of 10 August 2009, Part I, pages 12-15. However, the enforcement of the provisions of resolution 1874 (2009) by the Romanian institutions had been initiated on the date of its adoption, as Emergency Ordinance No. 202/2008 ensures the direct applicability and mandatory character at national level of international sanctions adopted by the Security Council (art. 3 (1), in conjunction with art. 1 (1) of Government Emergency Ordinance No. 202/2008) for all subjects of law they address, including natural and legal persons of private law, since their adoption by the Security Council.

Regarding the embargo on arms and dual-use items (paras. 9 and 10 of resolution 1874 (2009)):

- Romania has the following national legislation[1] requiring an export authorization for the sale, supply, transfer or export of arms and related materiel to third countries and an authorization for the provision of brokering services and other services related to military activities, which together with Common Position 2006/795/CFSP provides the basis for enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services: Government Ordinance No. 158/1999 approved with amendments by Law No. 595/2004. According to this legislation, the National Agency for Export Controls (ANCEX)[2] has a rapid mechanism for the implementation of the mandatory arms embargoes imposed by Security Council resolutions, Common Positions and Joint Actions adopted by the European Union Council or OSCE Decisions. Article 28 (1) of Government Ordinance No. 158/1999 provides that "The Agency shall deny issuance of a license for operations involving military goods if the final recipient's state is under an embargo on weapons transfers established by a resolution of the United Nations Security Council, a common position or a

[1] This legislation should apply to all goods included in the Common Military List of the European Union, Official Journal of the European Union C 65, 19 March 2009, p. 1.

[2] National Agency for Export Controls (ANCEX) is the Romanian authority responsible for the control of exports, imports and other transfers of military goods, according to Government Ordinance No. 158/1999 approved with amendments by Law No. 595/2004.

joint action adopted by the Council of the European Union, or a decision by the Organization for Security and Co-operation in Europe". ANCEX fully complies with the new provisions imposed by Security Council resolution 1874 (2009). ANCEX regularly notifies the Romanian authorized companies involved in foreign trade with military goods and informed them immediately about the provisions of resolution 1874 (2009).

- Resolution 1874 (2009) will be used in the process of examination of licence requests, the consultancy requests received by ANCEX from companies regarding Romanian exports of dual-use items to the Democratic People's Republic of Korea and every time an operation interferes with the ANCEX field of activity. The text of resolution 1874 (2009) has also been published on the Agency's website. ANCEX has not yet been seized with an export licence request for the Democratic People's Republic of Korea.

Regarding the obligations to inspect (paras. 11-14 of resolution 1874 (2009)):

- The General Inspectorate of Border Police has taken measures to be notified regarding all imports, exports, transits to/from the Democratic People's Republic of Korea that may be the object of resolution 1874 (2009). All these operations will be brought to the knowledge of the General Inspectorate of Border Police within 20 hours after identification. Moreover, the following measures have been taken to implement the above-mentioned provisions:
  - raising of vigilance regarding transfer operations of small arms and light weapons
  - inspection of cargoes originating from or having as destination the Democratic People's Republic of Korea, if there are suspicions that they contain forbidden items
  - confiscation of all items identified as a result of the above-mentioned inspections, whose sale, transfer, provision or export are prohibited.

Regarding the financial restrictions (paras. 18-21 of resolution 1874 (2009)):

- The National Office for Preventing and Combating Money Laundering (ONPCSB) is the authority responsible with the surveillance and control of those financial institutions that are not under the surveillance of other authorities. In implementing resolution 1874 (2009), ONPCSB has taken the following measures:
  - published resolution 1874 (2009) on the official website of the institution (www.onpcsb.ro)
  - informed the reporting entities through instruction sessions and control activities periodically organized by ONPCSB for all categories of reporting entities under its supervision
  - assisted the reporting entities in their field of activity
  - continued monitoring and control of implementation of international sanctions in its field of competence
  - cooperated with all competent authorities for making the implementation of sanctions more efficient.

- The National Bank of Romania has informed the authorized credit institutions regarding the provisions of resolution 1874 (2009)
- The Private Pension Supervision Commission has published resolution 1874 (2009) on the official website of the institution and has informed the administrators of private pension funds of the restrictive measures against the Democratic People's Republic of Korea
- The Ministry for Medium and Small Enterprises, Commerce and Business has taken the following measures:
  - published resolution 1874 (2009) on the official website of the institution, as well in the "Business Journal" and distributed it to the Commerce Chambers and business associations in Romania
  - the divisions in charge of foreign trade policy within the Ministry have been instructed to act according to the provisions of resolution 1874 (2009)
- The Romanian National Securities Commission has informed the insurance companies about the financial sanctions provided for in resolution 1874 (2009).

Within the European Union

Romania and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures:[3]

- Council Common Position 2006/795/CFSP of 20 November 2006,[4] as amended by Council Common Position 2009/573/CFSP of 27 July 2009.[5]

The Common Position sets out the European Union's commitment to implementation of all the measures contained in resolutions 1718 (2006) and 1874 (2009), and provides the basis for specific European Union implementing measures within the scope of the resolutions, notably:

- complete arms embargo
- export ban on certain other items, in addition to those determined by the sanctions Committee, which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea
- listing, to be decided by the Council of the European Union, of persons and entities subject to the visa ban and asset freeze, either by reason of their promotion or support of the Democratic People's Republic of Korea's programmes as mentioned above or because they provide

[3] All common measures are published in the *Official Journal of the European Union*, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[4] *Official Journal of the European Union* L 322, 22 November 2006, p. 32.

[5] *Official Journal of the European Union* L 197/111, 29 July 2009.

financial services or other resources that could contribute to those programmes

- enhanced monitoring over the activities of financial institutions within the jurisdiction of European Union member States with certain banks and financial entities linked to the Democratic People's Republic of Korea
- additional information requirements for aircraft and vessels transporting cargo to and from the Democratic People's Republic of Korea.

The European Union has adopted a Council Decision implementing Common Position 2006/795/CFSP and establishing, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee on 24 April and 16 July 2009.

- Council Regulation (EC) No. 329/2007 of 27 March 2007,[6] as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008[7] and Commission Regulation (EC) No. 389/2009 of 12 May 2009.[8]

The Council Regulation implements in the European Community the ban on exports of goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea and on the provision of related services, the ban on procurement of goods and technology from the Democratic People's Republic of Korea, the ban on export of luxury goods to the Democratic People's Republic of Korea, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said Democratic People's Republic of Korea programmes as designated by the sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in resolution 1718 (2006).

Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in annex I to the Council Regulation in accordance with determinations made by the sanctions Committee.

The Commission Regulation No. 389/2009 amends the Council Regulation by including the entities designated by the sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in annex IV to the Council Regulation.

The Commission has adopted a Commission Regulation amending the Council Regulation by including goods in annex I and persons and entities in annex IV to the Council Regulation in accordance with determinations made by the sanctions Committee on 16 July 2009.

[6] *Official Journal of the European Union* L 88, 29 March 2007, p. 1.
[7] *Official Journal of the European Union* L 35, 9 February 2008, p. 57.
[8] *Official Journal of the European Union* L 118, 13 May 2009, p. 78.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments).[9] This Regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union.[10] Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Romania are set out in Government Emergency Ordinance No. 202/2008 on the implementation of international sanctions approved by Law No. 217 of 2 June 2009.

[9] *Official Journal of the European Union* L 81, 21 March 2001, p. 1.

[10] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.

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Security Council

Distr.: General
26 August 2009

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 26 August 2009 from the Permanent Representative of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report on the concrete measures taken by the Government of Denmark pursuant to paragraph 22 of Security Council resolution 1874 (2009) of 12 June 2009 (see annex).

(*Signed*) Carsten **Staur**
Ambassador and Permanent Representative

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Annex to the letter dated 26 August 2009 from the Permanent Representative of Denmark to the United Nations addressed to the Chairman of the Committee

Report submitted by Denmark pursuant to paragraph 22 of Security Council resolution 1874 (2009) of 12 June 2009 on the implementation by Denmark of Security Council resolutions 1718 (2006) and 1874 (2009) concerning the Democratic People's Republic of Korea

1. Denmark and the other member States of the European Union (EU) have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures:

- Council Common Position 2006/795/CFSP of 20 November 2006, as amended by Council Common Position 2009/573/CFSP of 27 July 2009 and by Common Decision 2009/599/CFSP of 4 August 2009.

  The Common Position sets out the EU commitment to implementation of all the measures contained in Security Council resolutions 1718 (2006) and 1874 (2009), and provides the basis for specific EU implementing measures within the scope of the resolutions, notably:

  – A complete arms embargo;

  – An export ban on certain other items, in addition to those determined by the Sanctions Committee, which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea;

  – Listing, to be decided by the Council of the EU, of persons and entities subject to visa ban and asset freeze, either by reasons of their promotion or support of programmes of the Democratic People's Republic of Korea as mentioned above or because they provide financial services or other resources that could contribute to those programmes;

  – Enhanced monitoring over the activities of financial institutions within the jurisdiction of EU member States with certain banks and financial entities linked to the Democratic People's Republic of Korea;

  – Additional information requirements for aircraft and vessels transporting cargo to and from the Democratic People's Republic of Korea.

  The Common Decision establishes, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee on 24 April and 16 July 2009.

- Council Regulation (EC) No. 329/2007 of 27 March 2007, as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008 and Commission Regulation (EC) No. 389/2009 of 12 May 2009 and Commission Regulation (EC) No. 689/2009 of 29 July 2009.

The Council Regulation implements in the European Community the ban on exports of goods and technology which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea and on the provision of related services, the ban on procurement of goods and technology from the Democratic People's Republic of Korea, the ban on export of luxury goods to the Democratic People's Republic of Korea, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said programmes of the Democratic People's Republic of Korea as designated by the Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in Security Council resolution 1718 (2006).

Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in annex I to the Council Regulation in accordance with determinations made by the Sanctions Committee.

Commission Regulation No. 389/2009 amends the Council Regulation by including entities designated by the Sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in annex IV to the Council Regulation.

Commission Regulation No. 689/2009 amends the Council Regulation by including goods in annex I and persons and entities in annex IV in accordance with determinations made by the Sanctions Committee on 16 July 2009.

Commission Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments). This Regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union. With regard to the obligation contained in paragraph 8 (e) of Security Council resolution 1718 (2006), as referred to in paragraph 18 of Security Council resolution 1874 (2009), to prevent the entry into or transit through the territory of the Kingdom of Denmark of the persons designated by the Sanctions Committee or by the Security Council as being responsible for, including through supporting or promoting, nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, the Danish Aliens Act empowers the competent Danish authorities to impose the appropriate travel or entry restrictions. The necessary instructions were issued immediately after the designation of such persons by the Sanctions Committee or by the Security Council on 16 July 2009.

2. In addition, the competent Danish authorities will apply the following Danish legislation in implementing the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in resolution 1874 (2009) with regard to paragraphs 9, 10, and 18 of resolution 1874 (2009) concerning arms and related materials:

- According to section 7 a of the Danish Weapons Act, it is prohibited to transport weapons of any kind and defence-related material etc. between third countries (i.e. other countries than Denmark), when the recipient

country is listed in the Government Order on Transportation of Weapons etc. between Third Countries. The list includes all countries that are under a United Nations, EU or Organization for Security and Cooperation in Europe arms embargo.

– According to section 7 b (1) of the Danish Weapons Act, it is likewise prohibited, without a specific licence from the Minister of Justice, as a broker to negotiate or arrange transactions that involve the transfer of weapons etc., as defined in section 6, between countries outside the EU. Furthermore, it is prohibited to buy or sell weapons etc., as defined in section 6, as part of a transfer between countries outside the EU, or, as the owner of the weapons etc., to arrange such transfer. According to section 7 b (2) the prohibition does not apply to acts performed in another EU member State or to acts performed outside the EU by persons with permanent residence outside Denmark.

– According to section 6 of the Danish Weapons Act, it is prohibited without a specific licence from the Minister of Justice to export weapons of any kind and defence-related material, etc. Section 6 applies to any situation where items are transferred from Denmark to a third country no matter whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences will not be issued to countries in violation of Security Council resolutions 1718 (2006) and 1874 (2009).

– Violations of the above-mentioned rules are a criminal offence punishable by fine or imprisonment; see Danish Weapons Act, section 10 and, in aggravating circumstances, section 192 (a) of the Danish Penal Code.

• The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union. Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions.

– The penalties determined by Denmark are set out in Danish Penal Code Law No. 1260 of 2007, with subsequent amendments. According to the law, any person who, intentionally or through negligence, contravenes any provisions or prohibitions that may have been provided by law for the fulfilment of the State's obligations as a member of the United Nations shall be liable to a fine or to imprisonment for a term not exceeding four months or, in aggravating circumstances, to imprisonment for a term not exceeding four years. An equivalent provision exists concerning the contravention of EU sanctions.

Copenhagen, 25 August 2009

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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 31 July 2009 from the Permanent Mission of Germany to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Germany to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1718 (2006) and has the honour to notify the Committee, with reference to the note verbale dated 17 July 2009, the following:

Germany and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures (all common measures are published in the Official Journal of the European Union, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form)):

Council Common Position 2006/795/CFSP of 20 November 2006 (Official Journal of the European Union L 322, 22 November 2006, p. 32), as amended by Council Common Position 2009/573/CFSP of 27 July 2009 (Official Journal of the European Union L 197, 29 July 2009, p. 111).

The Common Position sets out the European Union's commitment to implementation of all the measures contained in resolutions 1718 (2006) and 1874 (2009), and provides the basis for European Union specific implementing measures within the scope of the resolutions, notably:

- complete arms embargo
- export ban on certain other items, in addition to those determined by the sanctions Committee, which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes
- listing, to be decided by the Council of the European Union, of persons and entities subject to the visa ban and asset freeze, either by reason of their promotion or support of the Democratic People's Republic of Korea's

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programmes as mentioned above or because they provide financial services or other resources that could contribute to those programmes

- enhanced monitoring over the activities of financial institutions with the jurisdiction of European Union member States with certain banks and financial entities linked to the Democratic People's Republic of Korea

- additional information requirements for aircraft and vessels transporting cargo to and from the Democratic People's Republic of Korea.

The European Union will adopt a Council Decision implementing Common Position 2006/795/CFSP and establish, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the sanctions Committee on 24 April and 16 July 2009.

Council Regulation (EC) No. 329/2007 of 27 March 2007 (Official Journal of the European Union L 88, 29 March 2007, p. 1), as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008 (Official Journal of the European Union L 35, 9 February 2008, p. 57) and Commission Regulation (EC) No. 389/2009 of 12 May 2009 (Official Journal of the European Union L 118, 13 May 2009, p. 78).

The Council Regulation implements in the European Community the ban on exports of goods and technology which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes and on the provision of related services, the ban on procurement of goods and technology from the Democratic People's Republic of Korea, the ban on export of luxury goods to the Democratic People's Republic of Korea, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said Democratic People's Republic of Korea programmes as designated by the sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in resolution 1718 (2006).

Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in annex I to the Council Regulation in accordance with determinations made by the sanctions Committee.

Commission Regulation No. 389/2009 amends the Council Regulation by including the entities designated by the sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in annex IV to the Council Regulation.

The Commission will adopt a Commission Regulation amending the Council Regulation by including goods in annex I and persons and entities in annex IV to the Council Regulations in accordance with determinations made by the sanctions Committee on 16 July 2009.

Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments) (Official Journal of the European Union L 81, 21 March 2001, p. 1). This Regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

Germany has the following national legislation prohibiting the sale, supply, transfer or export of arms and related materiel (this legislation should apply to all goods included in the Common Military List of the European Union, Official Journal of the European Union C 65, 19 March 2009, p. 1) to the Democratic People's Republic of Korea and the provision of brokering services related to military activities: Section 69n of the Federal Foreign Trade Regulation. Penalties for any infringements of the arms embargo are set out in Section 70a, paragraph 2, of the Federal Foreign Trade Regulation (and Section 34, paragraph 4, No. 1 of the Federal Foreign Trade Act).

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union (Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom). Regulation (EC) No. 329/2007 requires Member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Germany are set out in Section 34, paragraph 4, No. 2 of the Federal Foreign Trade Act.

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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 25 August 2009 from the Permanent Mission of the Philippines to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to inform the Committee that the Government of the Republic of the Philippines had already informed all relevant agencies of the actions to be taken in compliance with Security Council resolution 1874 (2009).

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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 28 August 2009 from the Permanent Mission of the Philippines to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and further to its note dated 25 August 2009 has the honour to transmit the following information on the actions taken by the Government of the Philippines in compliance with Security Council resolution 1874 (2009) (see annex).

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Annex to the note verbale dated 28 August 2009 from the Permanent Mission of the Philippines to the United Nations addressed to the Chairman of the Committee

The Republic of the Philippines has taken the following actions pursuant to Security Council resolution 1874 (2009):

1. On the arms embargo, the relevant Philippine Government agencies will continue to consult and coordinate with each other to ensure that appropriate action is taken to comply with the resolution. It must be noted that the Philippines has no defence cooperation agreement with the Democratic People's Republic of Korea that would facilitate the supply, sale, transfer, trade, and provision of technical training, advice, service or assistance on arms. Philippine trade with the Democratic People's Republic of Korea is minimal and consists mostly of textile product exports. Future transactions, if any, will be monitored more closely in the light of this resolution.

2. On the inspection of cargo at ports of entry in the Philippines, including seaports and airports, the Bureau of Customs issued Memorandum Circular No. 206-2009 on 10 July 2009 directing all its Deputy Commissioners, District Collectors, Sub-Port Collectors and Chiefs to disseminate copies of Security Council resolutions 1874 (2009) and 1718 (2006) to all officers and the assessment and enforcement units within their jurisdiction and advising them to be vigilant in enforcing paragraphs 10, 11, 12, 13, 14 and 17 of Security Council resolution 1874 (2009). The Bureau of Customs also advised the Department of Finance on 14 July 2009 of the issuance of the memorandum asking its officials and concerned offices to strictly comply with the aforementioned Security Council resolutions.

The Philippine Coast Guard, which is under the Department of Transportation and Communications, also coordinates closely with the Bureau of Customs. In compliance with Security Council resolutions 1874 (2009) and 1718 (2006), the Philippine Coast Guard shall: (a) report to the Department of Foreign Affairs sightings or information on vessels of the Democratic People's Republic of Korea transiting Philippine waters or calling on Philippine ports; (b) gather information relating to shipments of nuclear weapons or related materials; (c) enhance monitoring of all inbound and outbound cargoes to and from the Democratic People's Republic of Korea; and (d) undertake thorough checks of ship cargo manifests during the conduct of port State inspections.

The Presidential Anti-Smuggling Group is also involved since it is tasked with the same complementary enforcement responsibilities as the Bureau of Customs. The Presidential Anti-Smuggling Group, which is under the Office of the President, is composed of elements of the Bureau of Customs, Philippine Coast Guard, Philippine National Police, Philippine Navy, Philippine Maritime Authority, Philippine Ports Authority, National Food Authority, and the Bureau of Food and Drugs. It has the powers and function to apprehend, seize, investigate and prosecute acts involving smuggling, unlawful importation and other similar violations particularly of the Tariff and Customs Code of the Philippines.

3. On the matter of high seas inspection, the relevant Government agencies will continue to consult and coordinate with each other to ensure that appropriate action is taken to comply with the resolution.

4. On the financial measures, particularly in the light of the designation of certain commercial entities and individuals from the Democratic People's Republic of Korea as subject to freezing of assets, the Bangko Sentral ng Pilipinas (Central Bank of the Philippines) has issued a circular letter to all banks and non-bank financial institutions under its supervision which requires them to (a) closely monitor the persons or entities referred to in the resolutions, and (b) report any known information regarding these persons or entities such as amount, date, counter-party and nature of transactions, to the Central Point of Contact Department I, Supervision and Examination Sector of the Bangko Sentral ng Pilipinas. It must be noted that the Bangko Sentral ng Pilipinas does not grant loans to other countries, only to banking institutions within the Philippines.

5. On the travel ban, the Department of Foreign Affairs has requested the Bureau of Immigration to include the five individuals from the Democratic People's Republic of Korea in the Bureau of Immigration's blacklist. The Department of Foreign Affairs has also advised the National Intelligence Coordinating Agency of the decision of the Committee established pursuant to resolution 1718 (2006) to designate the five individuals.

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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 27 August 2009 from the Permanent Mission of Thailand to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Thailand to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit herewith a report of the Royal Thai Government pursuant to paragraph 22 of resolution 1874 (2009).

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Annex to the note verbale dated 27 August 2009 from the Permanent Mission of Thailand to the United Nations addressed to the Chairman of the Committee

Report of the Royal Thai Government pursuant to paragraph 22 of Security Council resolution 1874 (2009)

1. On 14 July 2009, the Cabinet instructed the relevant agencies to implement Security Council resolution 1874 (2009) in accordance with laws and regulations of Thailand, in particular:

The Act Controlling the Exportation of Arms, Armament and War Implements (1952)

The Munitions of War Control Act (1987)

The Royal Decree Controlling the Exportation of Arms, Armament and War Implements (1992)

The Atomic Energy for Peace Act (1961)

The Export and Import Goods Act (1979)

The Disease Control Act (1980)

The Hazardous Substance Act (1992)

The Carriage of Goods by Sea Act B.E. 2534 (1991)

The Law on Navigation in Thai Waters B.E. 2456 (1913)

The Financial Institutions Business Act B.E. 2551 (2008)

The Anti-Money-Laundering Acts B.E. 2542 (1999) and B.E. 2551 (2008).

2. Measures that have been taken pursuant to Security Council resolution 1718 (2006) still remain in force.

3. Regarding the import-export control list, the Ministry of Commerce issued an announcement on the prohibition of the export to and import from the Democratic People's Republic of Korea of arms and armament as well as those arms and armament that originated from the Democratic People's Republic of Korea.

4. The Bank of Thailand shall fully cooperate, to the extent permitted by the laws of Thailand, with competent Thai agencies in implementing Security Council resolution 1874 (2009) in relation to commercial banks and financial institutions under the purview of the Bank of Thailand.

5. On 25 August 2009, the Cabinet acknowledged the list of entities, goods and individuals designated, pursuant to paragraph 24 of Security Council resolution 1874 (2009), on 16 July 2009 by the Security Council Committee established pursuant to resolution 1718 (2006). The Ministry of Foreign Affairs has already informed the concerned authorities of the list.

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Note verbale dated 28 August 2009 from the Permanent Mission of Brazil to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Brazil to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to report on the measures taken by the Government of Brazil regarding the implementation of resolution 1874 (2009).

In fulfilling paragraph 22 of resolution 1874 (2009), the Permanent Mission of Brazil would like to inform the Committee that, by means of Presidential Decree 6.935 of 12 August 2009, the provisions of the aforementioned resolution were incorporated into Brazilian law and made mandatory for all Brazilian authorities. A copy of the decree is enclosed herewith.*

The Permanent Mission of Brazil would like to further inform the Committee that the General Coordination of Sensitive Goods of the Ministry of Science and Technology confirmed that, in recent years, there have been no commercial exchanges of goods that have been sanctioned in accordance with resolutions 1874 (2009) and 1718 (2006) between Brazil and the Democratic People's Republic of Korea. No Brazilian suppliers were solicited by buyers from the Democratic People's Republic of Korea. Moreover, no activities of technical training, assistance or advising related to the supply, manufacture, maintenance or use of such goods exist between Brazil and the Democratic People's Republic of Korea, or are provided by nationals of either country to the other.

* The text of the decree is on file with the Secretariat and is available for consultation.

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